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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,711

Applicant(s)

HURTTA ET AL.

Examiner

ROBERT W. WILSON

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 20-23, 25, 26, 31 and 34-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 20-23, 25, 26, 34-47, & 51-62 is/are rejected.
- 7) ☒ Claim(s) 11 and 48-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 20-23, 25- 26, 31, 34-46, 51, 53-55, 57-59, 61-62 are rejected under 35

U.S.C. 103(a) as being unpatentable over Widegren (U.S. Patent No.: 6,621,793) in view of Sevanto (WO 00/78080) which is an IDS document of record

Referring to claim 1, Widegren teaches: a method (The GGSN and Decision Point perform the lines 63 col. 10 line 67 perform the method) comprising:

determining a type of a service is provided to be provided associated with the access network (The PCF or Decision Point determines services to be provided associated with bearer services per Fig 20)

Enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of the information regarding bearer (The GGSN or gateway enforces the policy based upon request for QoS and Bearer services per col. 14 lines 36 to 67)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

In addition Widegren teaches:

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Regarding claim 2, receiving data from an entity associated with the access network at the gateway (The GGSN or gateway receives CREATE/MOD PDP CONTEXT from the UE or entity per Fig 20)

Determining the type of access network on the basis of the information regarding the type of access network (PCF determines the type of bearer services associated with the access network per Fig 20)

Referring to claim 3, the combination of Widegren and Sevanto teach: method of claim 2 and access network

The combination of Widegren does not expressly call for: receiving type information from the entity at the gateway

Sevanto teaches: receiving type information from the entity at the gateway (The MS sends activate request with APN field per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiving type information from the entity at the gateway of Sevanto to the processing of Widegren in order to build a system which can request a specific access network.

In addition Widegren teaches:

Regarding claim 4, wherein the entity associated with the access network comprises a node connected to the access network (The UE or entity is an inherent node which is connected to the access gateway per Fig 20)

Regarding claims 5, wherein the entity associated with the access network comprises a user equipment (The User Equipment or UE or entity is which is associated the access per Fig 20)

Regarding claim 6, comprising receiving a request for a data bearer at the gateway (The GGSN receives a request for CREATE/MOD PDP CONTEXT which inherently has request for bearer service per Fig 20)

Referring to claim 7, the combination of Widegren and Sevanto teach: method of claim 7 and access network

Widegren does not expressly call for: wherein the request for data includes information regarding the type of access network

Sevanto teaches: wherein the request for data includes information regarding the type of access network (The request contains APN or access type requested per Fig 3a)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the wherein the request for data includes information regarding the type of access network

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of Sevanto to the processing of Widegren and Sevanto in order to build a system which can request a specific access network.

In addition Widegren teaches:

Regarding claim 8, wherein the request comprises another request for creation of the packet data protocol context (CREATE/MODE PDP CONTEXT per Fig 20)

Regarding claim 9, wherein the determining comprises determining the type in the gateway (The PCF determines policy associated bearer including type per Fig 20)

Referring to claim 10, the combination of Widegren and Sevanto teach: the method of claim 1. and Widegren teaches: receiving at the gateway a message from an entity associated with the access network and wherein the determining per col. 14 lines 15 line 23 to 26)

The combination of Widegren does not expressly call for: address of the entity associated with the access network

Sevanto teaches: address of the entity associated with the access network (The MS or entity sends a message with APN or type of access and NSAPI or address of the entity per Pg 6 line 9 to Pg 9 line 25)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address of the entity associated with the access network of Sevanto to the processing of the combination of Widegren and Sevanto in order to build a system which can determine bearer services based upon mobile station address and access type requested.

Referring to claim 11, the combination of Widegren and Sevanto: the method of claim 1 and determining and Widegren teaches: receiving at the gateway a message from an entity associated with the access network (The GGSN or gateway receives a CREATE/MOD PDP CONTEXT from the SGSN or entity associated with the access network per Fig 20)

Widegren does not expressly call for: message comprising: access network type and address of the entity

Servanto teaches: message comprising: access network type and address of the entity (The MS or entity sends a message with APN and NSAPI to the gateway per Pg 6 line 9 to Pg 9 line 25) and wherein the determining comprises:

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address of the entity and access type of Sevanto to the CREATE/MODE PDP CONTEXT of the combination of Widegren in order to build a system which can determine bearer services based upon mobile station address and access type requested.

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Referring to claim 12, the combination of Widegren and Sevanto: the method of claim 1 and determining and Widegren teaches: receiving at the gateway a message from an entity associated with the access network (The GGSN or gateway receives a CREATE/MOD PDP CONTEXT from the SGSN or entity associated with the access network per Fig 20)

Widegren does not expressly call for: making a decision based upon message

Sevanto teaches: making a decision based upon message(The MS or entity sends a message with APN and NSAPI to the gateway which makes a decision based upon the data in fields per Pg 6 line 9 to Pg 9 line 25) and wherein the determining comprises:

It would have been obvious to one of ordinary skill in the art at the time of the invention to add making a decision based upon message of Sevanto to processing of the combination of Widegren and Chen in order to build a system which can quickly determine if the request is to be approved.

Referring to claim 20, the combination of Widegren and Sevanto: the method of claim 1 and deciding a network specific policy

determining and Widegren teaches: receiving at the gateway a message from an entity associated with the access network (The GGSN or gateway receives a CREATE/MOD PDP CONTEXT from the SGSN or entity associated with the access network per Fig 20)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add of Sevanto to the processing of the combination Widegren and Sevanto in order to build a system which can request a specific access network

In addition Widegren teaches:

Regarding claim 21, further comprising determining if the access network operates in accordance with one of a second generation standard, third generation standard, or a wireless local area network (third generation partner which inherent uses third generation standard per col. 4 lines 53 to 60)

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Regarding claim 22, wherein the traffic flow control policy is service specific policy (The policy determined by the PCF is based upon QoS or service specific policy per col. 13 line 30 to col. 15 line 63)

Referring to claim 23, the combination of Widegren and Sevanto teaches: the method for claim 1 and determining an access network and Widegren teaches: determining the type of network access based upon quality rules (The policy determined by the PCF is based upon QoS which is associated with bearer service per col. 13 line 30 to col. 15 line 63)

Referring to claim 25, Widengren teaches: A computer program embodied on a computer readable medium the computer program configured to control a processor to decide a traffic flow control policy for controlling communication in a communication system (The software can be executed on a processor and stored on an inherent readable medium per col. 19 lines 20 to 36 for implementing GGSN and Decision Point per col. 9 lines 63 col. 10 line 67) comprising:

determining a type of a service is provided to be provided associated with the access network (The PCF or Decision Point determines services to be provided associated with bearer services per Fig 20)

Enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of the information regarding bearer (The GGSN or gateway enforces the policy based upon request for QoS and Bearer services per col. 14 lines 36 to 67)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the determining access network of Sevanto to determining and gateway enforcement processing of Widegren in order to build a system which allows for setting up service from end to end.

Referring to claim 26, Sevanto teaches: a communication system (Figure 4) comprising:

Different access networks (UE is connected is connected to UTRAN by one access network and MS is connected to BSS via another access network per Fig 4)

A gateway configured to communicate with entities associated with different access networks (403 per Fig 4 or gateway is configured to communicate with UTRAN and BSS or entities associated with different access networks per Fig 4)

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An access network type determination processor (433 per Fig 4) configured to determine an access network of the different access network (provided (The 433 receives a request from the SGSN per Fig 3 which contains APN field which has the access type requested for service per Pg 8 line 32 to Pg 9 line 11. The GGSN creates upon determination of the access type a PDP contest response which is sent to the SGSN per Pg 9 line 3 to 11)

A decision making processor (433 per Fig 4) configured to decide rules apply to the communication via the gateway based on the information of the type of the access network (The GGSN determined access based upon the APN or information type per Pg 6 line 12 to Pg 9 line 25)

Sevanto does not expressly call for: making a decision on a policy and wherein the communication system is configured to control communication based on decision by the decision

Widegren teaches: making a decision on a policy (The decision point makes the decision on the policy per per col. 9 line 62 to col. 10 lines 53) and wherein the communication system is configured to control communication based on decision by the decision (The GGSN is the enforcement point or EP and is communicated to the decision point per col. 9 lines 62 to col. 10 line 53)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the making the decision on policy and enforcement by the GGSN or Widegren to the system of Sevanto in order to implement processing in compliance with IETF standards in order to build a standards compliant system.

Referring to claim 34, Widengren teaches: a apparatus (The combination of GGSN and Decision Point or apparatus per col. 9 lines 63 col. 10 line 67) comprising:

Determining means to determining a type of a service is provided to be provided associated with the access network (The PCF or Decision Point is a processor or determining means which determines services to be provided associated with bearer services per Fig 20)

Enforcing means at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of the information regarding bearer (The GGSN or gateway enforces the policy based upon request for QoS and Bearer services per col. 14 lines 36 to 67 The GGSN has a processor or enforcing means per col. 19 lines 33-36)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 31, Widegren teaches: a apparatus (The combination of GGSN and Decision Point or apparatus per col. 9 lines 63 col. 10 line 67) comprising:

Determining processor to determining a type of a service is provided to be provided associated wit the access network (The PCF or Decision Point is a processor which determines services to be provided associated with bearer services per Fig 20)

Enforcing processing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of the information regarding bearer (The GGSN or gateway enforces the policy based upon request for QoS and Bearer services per col. 14 lines 36 to 67 The GGSN has a processor per col. 19 lines 33-36)

Widegren does not expressly call for: determining access network based upon type of access service

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 35, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 31 and determining processor based upon data received from the gateway.

The combination of Widegren and Sevanto do not expressly call for: access type in the data access type in the data (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add access type of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 36, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 36 and receiving type information from the entity at the gateway

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Widegren does not expressly call for: receiver

Sevanto teaches: receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add receiver of Sevanto to the gateway receiving data from the entity of the combination of Widegren and Sevanto because a receiver type hardware is required to implement the step of receiving a message.

In addition Widegren teaches:

Regarding claim 37, wherein the entity associated with the access network comprises a node connected to the access network (The UE or entity is an inherent node which is connected to the access gateway per Fig 20)

Regarding claims 38, wherein the entity associated with the access network comprises a user equipment (The User Equipment or UE or entity is which is associated the access per Fig 20)

Referring to claim 39, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 35 and Widegren teaches receiving request for a data bearer at the gateway (Receives CREATE MOD/PDP CONTEXT which has QoS for bearer data per col. 5 lines 10 to 20)

Widegren does not expressly call for: receiver

Sevanto teaches: receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add receiver of Sevanto to the gateway of the combination of Widegren and Sevanto because a receiver type hardware is required to implement the step of receiving a message.

Referring to claim 40 the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 39 and request for bearer services

The combination of Widegren and Sevanto do not expressly call for: access type in the data access type in the data (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add access type of Sevanto to CREATE/MOD PDP CONTEXT of the combination of Sevanto and Widegren in order to build a system which can request a specific access network

In addition Widegren teaches:

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Regarding claim 41, wherein the request comprises another request for creation of the packet data protocol context (CREATE/MODE PDP CONTEXT per Fig 20)

Regarding claim 42 wherein the access network type determining processor is provided at the gateway (All method can be implemented in a processor per col. 19 lines 30 to 36.)

Referring to claim 43 the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 31 and Widegren teaches: receiving at the gateway a message from an entity associated with the access network and wherein the determining per col. 14 lines 15 line 23 to 26)

Widegren does not expressly call for: address of the entity associated with the access network and a receiver

Sevanto teaches: address of the entity associated with the access network (The MS or entity sends a message with APN or type of access and NSAPI or address of the entity per Pg 6 line 9 to Pg 9 line 25) and a receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address of the entity associated with the access network and receiver of Sevanto to the processing of the combination of Widegren and Sevanto in order to build a system which can determine bearer services based upon mobile station address and access type requested.

Referring to claim 44, the combination of Widegren and Sevanto: the apparatus as claimed in claim 31 and Widegren teaches: receiving at the gateway a message from an entity associated with the access network (The GGSN or gateway receives a CREATE/MOD PDP CONTEXT from the SGSN or entity associated with the access network per Fig 20)

Widegren does not expressly call for: receiver at the gateway and message comprising: access network type and address of the entity

Sevanto teaches: receiver at the gateway (TX/RX per Fig 4) and message comprising: access network type and address of the entity (The MS or entity sends a message with APN and NSAPI to the gateway per Pg 6 line 9 to Pg 9 line 25) and wherein the determining comprises:

It would have been obvious to one of ordinary skill in the art at the time of the invention to add receiver at the gateway and the address of the entity and access type of Sevanto to the CREATE/MODE PDP CONTEXT of the combination of Widegren and Sevanto in order to build a system which can determine bearer services based upon mobile station address and access type requested.

Referring to claim 45, the combination of Widegren and Sevanto: the apparatus of claim 31 and determining and Widegren teaches: receiving at the gateway a message from an entity associated with the access network (The GGSN or gateway receives a CREATE/MOD PDP CONTEXT from the SGSN or entity associated with the access network per Fig 20)

Widegren does not expressly call for: making a decision based upon message

Servanto teaches: making a decision based upon message(The MS or entity sends a message with APN and NSAPI to the gateway which makes a decision based upon the data in fields per Pg 6 line 9 to Pg 9 line 25) and wherein the determining comprises:

It would have been obvious to one of ordinary skill in the art at the time of the invention to add making a decision based upon message of Servanto to processing of the combination of Widegren and Chen in order to build a system which can quickly determine if the request is to be approved.

In addition Widegren teaches:

Regarding claim 46, further comprising an identifying processor configured to identify a communication session by the gateway (SIP proxy server or identifying processor per col. 14 lines 24-25)

Regarding claim 51, comprising making the traffic flow control policy decision at the gateway (PCF and GGSN can be implemented in a processor so the decision could be made at the gateway per col. 19 lines 30 to 35

Regarding claim 53, comprising making a decision making processor configured to decide said traffic flow control policy at the Gateway (The PCF makes the decision. ThePCF and GGSN can be implemented in a processor so the decision could be made at the gateway per col. 19 lines 30 to 35

Referring to claim 54, Widengren teaches: a method (The GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 perform the method) comprising:

making at a policy control entity a traffic flow control policy decision (The PCF or Decision Point determines services to be provided associated with bearer services per Fig 20. The PCF is an entity per col. 5 lines 35 to 67)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The PCF or entity sends a message to the GGSN or gateway per col. 15 lines 15 to 25)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Servanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 55, The combination of Widegren and Sevanto teach: the method of claim 1 wherein a request includes a request for service provided (CREATE/MOD PDP CONTEXT per Fig. 20 and per col. 18 lines 10 to 25)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network

Sevanto teaches: decided on the basis of information regarding the type of access network (The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

In addition Widegren teaches:

Regarding claim 57 further comprising authorizing a user at the policy control entity (PCF determines if UE authorized per col. 14 lines 51)

Referring to claim 58, Widegren teaches: an apparatus (The combination of GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 or apparatus) comprising:

A decision making processor configured to make at a policy control entity a flow control policy decision using service to be provided (The PCF or decision making processor determines services to be provided associated with bearer services per Fig. 20. The PCF is an entity per col. 5 lines 35 to 67)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The PCF or entity sends a message to the GGSN or gateway per col. 15 lines 15 to 25)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network and a transmitter in the policy control entity

Sevanto teaches: decided on the basis of information regarding the type of access network

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(The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information) and a transmitter in an entity (Transmitter (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network and transmitter of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

Referring to claim 59 the combination of Widegren and Sevanto teach the apparatus according to claim 58 and access type and Widegren teaches receiving a request for a traffic flow control policy decision from the gateway (QoS signal request to the PCF per col. 17 lines 55-58)

Widegren does not expressly call for: receiver

Sevanto teaches: receiver (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiver of Sevanto to the policy decision entity of the combination of Widegren and Sevanto because in order to implement a method of receiving a message a receiver is required.

In addition Widegren teaches:

Regarding claim 61 further comprising authorizing processor configured to authorize a user at the policy control entity (PCF determines if UE authorized per col. 14 lines 51)

Referring to claim 62, Widegren teaches: an apparatus (The combination of GGSN and Decision Point per col. 9 lines 63 col. 10 line 67 or apparatus) comprising:

A decision making means for making at a policy control entity a flow control policy decision using service to be provided (The PCF or decision making means for determining services to be provided associated with bearer services per Fig 20. The PCF is an entity per col. 5 lines 35 to 67)

sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision (The PCF or entity sends a message to the GGSN or gateway per col. 15 lines 15 to 25)

Widegren does not expressly call for: decided on the basis of information regarding the type of access network and a transmitter in the policy control entity or sending means

Sevanto teaches: decided on the basis of information regarding the type of access network

(The MS sends activate request with APN field or type of access and the gateway determines the access based upon this data per Pg 6 line 9 to Pg 8 line 36 or type information) and a sending means in an entity (Transmitter (TX/RX per Fig 4)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add decided on the basis of information regarding the type of access network and sending means of Sevanto to the processing of Widegren in order to build a system which can request a specific access network

3. Claims 54 & 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S. Patent No.: 6,621,793) in view of Sevanto (WO 00/78080) which is an IDS document or record further in view of Pecan (Patent Pub No.: US2003/0040297)

Referring to claim 56 the combination of Widegren and Sevanto teach: the method as claimed in claim 54.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecan teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecan to the system of the combination of Widegren and Sevanto in order to determine content components.

Referring to claim 60, the combination of Widegren and Sevanto teach: the apparatus as claimed in claim 58 and transmitter and policy control entity.

The combination of Widegren and Sevanto do not expressly call for: inquiry for subscription profile to a separate database

Pecan teaches: inquiry for a subscription profile to a separate database (request for subscript profile to HLR or separate database per Para[0024]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the inquiry for a subscription profile to a separate database of Pecan to the system of the combination of Widegren and Sevanto in order to determine content components.

Claim Objections

4. Claims 11, 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-12, 14, 20-23, 25-26, 31, 34-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW
12/11/08